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BY ECF

Honorable Vernon S. Broderick
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

DHIP, LLC v. Fifth Third Bank, 19 CV 2087

Dear Judge Broderick,

We are counsel to plaintiff DHIP, LLC (“DHIP”), and write jointly with Defendant Fifth Third Bank (“Fifth Third”) pursuant to Section 11 of the Case Management Plan and Scheduling Order (Doc. 18) and the Court’s Order of July 15, 2019, setting a Post Discovery Status Conference for January 17, 2020.

Discovery is complete. Both parties currently intend to make motions for summary judgment. The parties have had no substantial settlement discussions. The parties are currently discussing a briefing schedule and hope to have a suggestion for the Court at the January 17 conference.

As the Court may recall, the parties have agreed to use the extensive discovery record from the prior action (*Abate et al v. Fifth Third Bank*, 13 CV 9078). Because of this, the additional discovery adduced was limited, and the settlement positions of the parties have not substantially changed since the prior action. Accordingly, the parties jointly respectfully submit that any mediation by the magistrate judge would not be productive at this point.

We thank the Court for its attention to this matter.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Joshua D. Rievman".

Joshua D. Rievman

Copy: C. Neil Gray, Esq.
Samuel Kadosh, Esq.